

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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Carmen Brito Paula,  Plaintiff,  v.  Kia Motors America, Inc.  Defendant.	Civil No.:  Plaintiff demands trial by jury
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05-1247(JAF)  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW plaintiff by her undersigned attorney and complaining of defendant states, alleges and prays as follows:

1. Plaintiff Carmen Brito Paula is a citizen of the United States of America domiciled in Trujillo Alto, Puerto Rico.
2. Defendant Kia Motors America, Inc. ("Kia America") is a corporation organized under the laws of a place other than Puerto Rico, having its principal place of business at 9801 Muirlands Boulevard, Irvine, California, 92618-2521.
3. At all material times herein Kia America was a wholly-owned overseas subsidiary of Kia Motors.
4. There is jurisdiction over the subject matter and over the parties to this litigation because all the parties on either side of the suit are of diverse citizenship and because the amount in controversy exceeds, exclusive of interest and costs, the sum of seventy five thousand dollars (\$75,000.00), 28 U.S.C. Sec. 1332.
5. There is jurisdiction over Kia America inasmuch as Kia America has carried out business transactions within Puerto Rico, acting on its own and/or through its parent company (Kia Motor), agents, wholesalers, distributors, sellers, franchisees, licensees and sublicensees and/or has committed tortious acts within



Puerto Rico.

6. Kia Motors and/or Kia America designed, manufactured, distributed and/or sold a Kia Sportage, motor vehicle, model year 1997, VIN number KNDJB7237V5542334.
7. On February 21, 2003, plaintiff Carmen Brito Paula boarded the Kia Sportage, wore the seatbelt, turned-on the ignition, when suddenly and unexpectedly the steering wheel airbag and the knee airbag deployed, while the vehicle was standing still and had not sustained any type of impact.
8. As a result of the deployment of the driver side airbags, plaintiff Carmen Brito Paula sustained serious and permanent injuries to her several bodily systems, including second degree burns to her arms, forehead, face, and abdomen, trauma to her face and mouth and both knees and injuries to her lungs as well as to her cervical and lumbar area.
9. At the time that the air bags of the subject vehicle were designed and/or manufactured, Kia Motors and Kia America were aware of literature that associated airbag deployment with the type of injuries suffered by plaintiff Carmen Brito Paula.
10. At the time that Kia Motors and/or Kia America equipped the subject vehicle with air bags, they were aware of literature that associated airbag deployment with the type of injuries suffered by plaintiff Carmen Brito Paula.
11. As a result of the injuries suffered by the deployment of the driver side airbags, plaintiff Carmen Brito Paula has experienced, is experiencing, and will continue to experience severe physical pain and mental anguish, loss of the ability to enjoy life, and is partially but permanently disabled. Furthermore, she has been compelled to undergo medical and professional care and will be compelled to

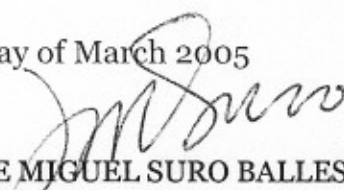
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undergo such care for an indefinite period of time in the future. In addition, she has been compelled to expend divers sums of money for medical, pharmaceutical and other services, all of which is continuing into the future for an indefinite period of time. As a result of the foregoing she has been damaged in an amount exceeding \$500,000.

12. As the manufacturer, designer, distributor and/or seller of the above described motor vehicle, Kia America is liable to plaintiff under the following legal theories: (a) negligence, (b) strict liability in tort including manufacturing and/or design defect, inadequate and insufficient warnings and/or instructions, (c) negligent testing.
13. Prior to filing the instant case, plaintiff Carmen Brito Paula tolled the applicable statute of limitations. In point of fact she had interchanged letters with law firms and adjusters representing defendant. The number that defendant assigned to her claim is KIA-0935-4.
14. Plaintiff demands trial by jury.

WHEREFORE, plaintiff demands judgment against defendant as hereinbefore requested together with costs, interest from the date of filing hereof and reasonable attorney fees.

In San Juan, Puerto Rico, this 3<sup>rd</sup>. day of March 2005



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